IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.3784-M of 2007
Date of Decision:- 22.1.2007

Rajinder Singh ....Petitioner(s)

through
Mr.Vikram Singh, Advocate

vs.

State of Haryana ....Respondent(s)

through

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

Notice of motion.

Mr.Tarun Aggarwal, learned Sr.DAG, Haryana accepts notice on behalf of the respondent.

The prayer in this petition is to quash the order dated 6.12.2006 passed by the Director General of Prisons, Haryana (Annexure P-1) whereby the petitioner has been declined release on parole for agriculture purposes.

It is admitted in the impugned order itself that the petitioner owns 10 bighas of agricultural land. He has, however, been declined release on parole on the ground that he will again indulge in smuggling of the contraband.

Since the petitioner fulfills the eligibility conditions as laid down in Section 3 (1)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, it appears desirable that the respondent should reconsider his case.

So far as the apprehension expressed by the Authorities that the

petitioner may indulge in the smuggling of contraband is concerned, various remedial measures can be adopted. In addition to furnishing the personal bonds, the petitioner can be directed to furnish adequate sureties including that of the respectables of the village as well as office bearers of the Gram Panchayat. He can also be asked to report to the nearest police station at least twice a week. Besides, a vigil on his activities can also be kept.

For the reasons aforementioned, this petition is allowed. The impugned order dated 6.12.2006 is quashed and a direction is issued to the Director General of Prisons, Haryana, to take a decision in the light of the observations made hereinabove within a period of two months from the date of receipt of certified copy of this order.

January 22, 2007 **(SURYA KANT)**
poonam **JUDGE**